



APPENDIX D

IMPLEMENTATION AND MAINTENANCE REQUIREMENTS

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ATTACHMENTS TO APPENDIX D

Attachment D1: Potential Permanent Treatment BMPs Maintenance Mechanisms

Implementation & Maintenance Requirements

After all project BMPs have been approved by the City Engineer, applicants and City project managers must ensure implementation and maintenance of the BMPs according to the processes outlined in the applicable sections for development/redevelopment projects, construction permits projects, or for public projects.

In addition, any project that will require a “General NPDES Permit for Storm Water Discharges Associated with Industrial Activities,” shall include the following note on the plans and condition in the permit/approval:

Industrial NPDES Permit Requirement:

“The Permittee or designee (or contractor for public projects) shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System Permit, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board, prior to the issuance of any construction permits.” To find out if a project is required to obtain an individual General NPDES Permit for Storm Water Discharges Associated with Industrial Activities, visit the State Water Resources Control Board web site at, www.swrcb.ca.gov/stormwtr/industrial.html

a. Development/Redevelopment Private Projects

i. Permanent BMP Requirements.

- 1) Permanent BMPs (applicable to the SUSMP Requirements)- Applicants proposing projects that include permanent BMPs must prepare a maintenance agreement, satisfactory to and subject to the approval of the City, following the program outlined in the “Permanent Storm Water BMP Maintenance Agreement Requirements” below. Prior to the issuance of any permits or approvals, the project proponent must obtain the City approval of the agreement. The permanent BMPs shall be graphically shown on the plans, where possible, and made a condition of the project’s permit/approval. The permanent BMP’s operation and maintenance requirements (O & M plan discussed below) shall also be noted on the plans and made a condition of the project’s permit/approval.
- 2) Permanent Standards BMPs - The permanent BMP’s operation and maintenance requirements (O & M plan discussed below) shall also be noted on the plans and made a condition of the project’s operation of the site permit/approval.

ii. Construction BMP Requirements. The construction BMPs shall also be shown on the plans, where possible. Any remaining construction BMPs that cannot be shown graphically on the plans shall be either noted or stapled to the plans and made a condition of the permit.

b. Construction Permits

i. Construction Permits for Projects Under 5 Acres (to be reduced to 1 acre on March 10, 2003). Projects proposing to disturb less than 5 acres (1 acre on March 10, 2003) during construction shall include construction requirements, where possible, on the plans. Any remaining construction BMPs that cannot be shown graphically on the plans shall be either noted on, or stapled to, the plans (Construction Storm Water Management Plan, Form 5504 of Appendix A) and made a condition of the permit. The project's construction priority ranking (see Form 5505 in Appendix A, Storm Water Requirements Applicability Checklist and Forms) must also be noted on the construction plans. Prior to the issuance of any construction permits, applicants proposing projects that include permanent BMPs must prepare (if not already prepared as part of a previous permit or approval), and execute a maintenance agreement, as approved by the City, pursuant to the program outlined below. The permanent BMPs shall be graphically shown on the plans, where possible, and made a condition of the project's permit/approval. The permanent BMP's operation and maintenance requirements (O & M plan discussed below) shall also be noted on the plans and made a condition of the project's permit/approval.

ii. Construction Permits for Projects Over 5 Acres (to be reduced to 1 acre on March 10, 2003). Projects proposing to disturb more than 5 acres (1 acre on March 10, 2003) during construction shall include all construction BMPs in a Storm Water Pollution Prevention Plan, prepared in accordance with Form 5503 of Appendix A, "Storm Water Pollution Prevention Plan Guidelines." The construction BMPs shall also be shown on the plans, where possible. Any remaining construction BMPs that cannot be shown graphically on the plans shall be either noted or stapled to the plans and made a condition of the permit. The project's construction priority ranking (see Form 5505 in Appendix A, Storm Water Requirements Applicability Checklist and Forms) must also be noted on the construction plans. Prior to the issuance of any construction permits, applicants proposing projects that include permanent BMPs must prepare (if not already prepared as part of a previous permit or approval), and execute a maintenance agreement, as approved by the City, pursuant to the program outlined below. The permanent BMPs shall be graphically shown on the plans, where possible, and made a condition of the project's permit/approval. The permanent BMP's operation and maintenance requirements (O & M plan discussed below) shall also be noted on the plans and made a condition of the project's permit/approval.

c. Public Projects

Construction and Permanent storm water requirements must be incorporated into the project design and described in the contract documents (plans and specifications) prior to bidding for construction contracts, or equivalent. In addition, the permanent BMP's maintenance requirements shall also be noted on the plans and/or specifications and made a condition of the project's permit/approval. Project Managers must utilize the standard boiler specification and expound upon any project specific requirements.

For projects disturbing over 5 acres (to be reduced to 1 acre on March 10, 2003), City project managers must include the requirement for the preparation of a Storm Water Pollution Prevention Plan in the contract documents to be sent out to bid. The contract documents must also include the requirement for the contractor to periodically update the Storm Water Pollution Prevention Plan throughout the construction phase of the project.

For projects disturbing less than 5 acres (to be reduced to 1 acre on March 10, 2003), City projects shall have a specific Construction Storm Water Management Plan developed to identify construction BMP requirements prior to sending the public project contracts out to bid. The contract documents shall include a requirement for the contractor to complete, sign, and update the Construction Storm Water Management Plan before the start of the construction and throughout the construction phase of the project.

d. Permanent BMP Maintenance Agreement Requirements

Applicants shall propose a maintenance agreement assuring all permanent BMPs will be maintained throughout the “use” of a project site, satisfactory to the City (see Attachment D1 of this Appendix D for a list of potential mechanisms). For development/redevelopment projects, the City-approved method of permanent BMP maintenance shall be incorporated into the project's permit, and shall be consistent with permits issued by resource agencies, before decision-maker approval. For projects requiring only construction permits, the City-approved method of permanent BMP maintenance shall be incorporated into the permit conditions before the issuance of any construction permits. In all instances, the applicant shall provide proof of execution of a City approved method of maintenance repair and replacement before the issuance of construction approvals.

Also, in the Covenants Conditions and Restrictions (CC&Rs) document and Maintenance Agreements or other mechanism, the following requirements shall be included and addressed, as required by the City:

- Include requirements for compliance with non-structural permanent BMPs.
- Provide for long-term maintenance of structural BMPs.
- Require future tenants or owners to comply with the Standard Urban Storm Water Mitigation Plans (SUSMP) and Numeric Sizing Criteria of the Municipal Permit, Order No. 2001-01.

City project managers carrying out public projects that are not required to obtain permits will be responsible for ensuring that a client department-approved method of storm water BMP maintenance, repair and replacement is executed prior to the commencement of construction.

For all properties, the verification mechanism will include the project proponent's signed statement, as part of the project application, accepting responsibility for all permanent BMP maintenance, repair and replacement.

The maintenance agreement shall include the following:

1. Operation & Maintenance (O&M) Plan: The applicant shall include an Operation & Maintenance (O&M) plan, prepared satisfactory to the City, with the approved maintenance agreement, which describes the designated responsible party to manage the storm water BMP(s), employee's training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities (including maintenance of storm water conveyance system stamps), copies of resource agency permits, and any other necessary activities. At a minimum, maintenance agreements shall require the applicant to provide inspection and servicing of all permanent treatment BMPs on an annual basis. The project proponent or City-approved maintenance entity shall complete and maintain O&M forms to document all maintenance requirements. Parties responsible for the O&M plan shall retain records for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.

2. Access Easement/Agreement: As part of the maintenance mechanism selected above, the City will require the inclusion of a copy of an executed access easement in a form approved by the City that shall run with the land throughout the life of the project, until such time that the storm water BMP requiring access is replaced and access is no longer needed, all to the satisfaction of the City of Chula Vista.